

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on November 14, 2008, and the references cited therewith.

Claims 1, 5-10, 12-14, 16, 18, 23-27, 31-35, 38-41, 44, 46, 51 and 52-58 are amended, claims 2-4, 15, 17, 19-22, 28-30, 36, 37, 42, 43, 45 and 47-50 remain unchanged; claims 1-58 are now pending in this application.

#### **§ 102 Rejection of the Claims**

Claims 25-31, 34, 46-48, 50-51 were rejected under 35 USC §102(b) as being anticipated by Wookey (U.S. Patent No. 6,023,507).

Claims 38-40, 42-43 were rejected under 35 USC §102(e) as being anticipated by Wilson et al. (U.S. Patent No. 6,714,976).

#### **§103 Rejection of the Claims**

Claims 1-6, 8-12, 15, 18, 21-22 were rejected under 35 USC § 103(a) as being unpatentable over Wookey (U.S. Patent No. 6,023,507).

Claims 52-53, 55, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view of Wilson.

#### **Allowable Subject Matter**

Claims 7, 13-14, 16-17, 20, 23, 24, 32-33, 35, 41, 44-45, 49, 54, 56, and 58 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **ARGUMENT**

Applicant has carefully considered the Examiner's rejections and objections. The references cited by the Examiner focus on monitoring the computer system, not components of a computer. Because Applicant's system operates independently of the processor of the computer having its components monitored, even when the monitored computer fails, data continues to be sent in Applicant's monitoring system.

To better distinguish Applicant's invention from the prior art cited by the Examiner, Applicant has amended independent claims 1, 25, 38 and 46 and dependent claims 5-10, 12-14, 16, 18, 23-27, 31-35, 38-41, 44, 46 and 51-58 to change the term "condition" which the examiner perceives as too broad of a term, to "performance" to reflect it is the operation or function of the component that is being monitored.

Independent claims 1, 25, 38 and 46 have been amended to clarify that the computer components are monitored continuously for current performance information, which then current performance information regarding specific computer components is retrievable in real time, in contrast to prior art systems that simply store data accumulated over time for later retrieval and review.

Claim 12 has been amended to eliminate reference to the words "associated with".

Claim 27 has been amended to reflect that current performance information, rather than historical information, is being monitored and stored by Applicant's system.

With respect to claim 38 and other of Applicant's claims, Applicant respectfully asserts that Wookey and other references cited by the examiner do not disclose continuously sensing performance of computer components; rather, Wookey and other cited references monitor computer systems. There is no disclosure in the cited prior art references to teach, suggest or motivate a person ordinary skill in the art to create a system, independent of the operating system of the monitored computers, for monitoring and providing current performance of computer components within the monitored computers.

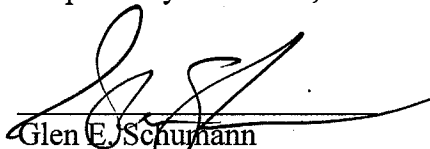
### **CONCLUSION**

Applicant asserts that independent claims 1, 25, 38 and 46 are allowable and the remaining claims, dependent thereon, are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 877-5282 to facilitate prosecution of this matter.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 50-2442.

Date: May 14, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Glen E. Schumann', is written over a horizontal line.

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